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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SECURITIES AND EXCHANGE
COMMISSION;

Plaintiff,

vs.

CAPSOURCE, INC., et al.

Defendants.

CASE NO. 2:20-CV-02303-RFB-DJA

**JOINT MOTION TO WITHDRAW
APPLICATION FOR APPROVAL &
PAYMENT OF ATTORNEYS' FEES &
REIMBURSEMENT OF EXPENSES
WITH RESPECT TO KING SCOW ONLY,
WITHOUT PREJUDICE**

Receiver Geoff Winkler (the "Receiver") and King Scow Koch Durham, LLC ("King Scow") jointly move the Court to allow for the withdrawal of King Scow's Application for Approval and Payment of Attorneys' Fees and Reimbursement of Expenses (the "Fee Application"), filed on July 18, 2024, as ECF No. 83, *with respect to fees and expenses sought by King Scow* (the "King Scow Fees") only, without prejudice. This joint motion is based on the following:

1. On July 18, 2024, King Scow filed the Fee Application and included both a request for the King Scow Fees *and* a request for fees and expenses by Pryor Cashman LLP, Michelman & Robinson, LLP, and/or John J. Giardino (the "Giardino Fees"). (See ECF. No. 83).

2. Subsequent to the filing of the same, King Scow and the Receiver have conferred in an effort to reach agreement regarding the Fee Application and two stipulations and orders were entered to continue the briefing schedule to allow for further discussions regarding both the King Scow Fees and, separately, the Giardino Fees. (See ECF Nos. 86 & 88).

3. Responses to the Fee Application are currently due on or before August 29, 2024.

4. Based on the discussions between King Scow and the Receiver, King Scow has agreed to withdraw its request for the King Scow Fees, *without prejudice*.

5. For the avoidance of doubt, this agreement does not impact the request for the Giardino Fees also included within ECF. No. 83, which the parties agree shall remain pending before the Court.

WHEREFORE, King Scow and the Receiver jointly move the court to allow for the withdraw of King Scow's request for attorney fees and reimbursement of expenses, *without prejudice*. The parties are advised that the Securities and Exchange Commission has no objection to this request.

Dated this 29th day of August 2024

GREENBERG TRAUIG, LLP

/s/ Kyle A. Ewing

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Dated this 29th day of August 2024

KING SCOW KOCH DURHAM, LLC

/s/ Steven B. Scow

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IT IS SO ORDERED.


DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE

DATED: 8/30/2024

CERTIFICATE OF SERVICE

I certify that on **August 29, 2024**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service.

/s/ Evelyn Escobar-Gaddi

An employee of GREENBERG TRAURIG, LLP